

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

LT. GOV. PHIL BRYANT et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 2:10-cv-76-KS-MTP
ERIC H. HOLDER, JR., in his official capacity)	
as Attorney General of the United States, et al.,)	
)	
Defendants.)	
_____)	

MOTION TO DISMISS

Defendants Eric H. Holder, Jr., in his official capacity as Attorney General of the United States; the United States Department of Health and Human Services (“HHS”); Kathleen Sebelius, in her official capacity as Secretary of HHS; the United States Department of the Treasury; Timothy F. Geithner, in his official capacity as the Secretary of the Treasury; the United States Department of Labor; and Hilda L. Solis, in her official capacity as Secretary of Labor hereby respectfully move to dismiss this action in its entirety for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), or, in the alternative, for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). In support of this motion, defendants refer the Court to the accompanying Memorandum in Support of Defendants’ Motion to Dismiss.

WHEREFORE defendants, by undersigned counsel and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court issue an order dismissing the above-captioned case, and for such other relief as the Court deems just and proper.

DATED this 1st day of August, 2010. Respectfully submitted,

TONY WEST

Assistant Attorney General
IAN HEATH GERSHENGORN
Deputy Assistant Attorney General
DON BURKHALTER
United States Attorney

/s/ Kathryn L. Wyer

JENNIFER R. RIVERA

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served via ECF on counsel of record for plaintiffs in the above-captioned case.

Dated: August 1, 2010

/s/ Kathryn L. Wyer
Kathryn L. Wyer